IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

IAN M. DRYSDALE

Serial No.: 09/466,271

Filed: December 17, 1999

For: METHOD AND DEVICE FOR PERFORMING CARD TRANSACTIONS

Attorney Docket No.: FDC 0135 PUS (012200US)

Group Art Unit: 3693

Examiner: Borlinghaus, Jason M.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief from the final rejection of claims 1-8 and 10-20 in the final Office Action mailed August 2, 2006 for the above-identified patent application.

This Appeal Brief follows the Notice of Appeal mailed November 2, 2006.

I. REAL PARTY IN INTEREST

As set forth in the assignment recorded in the U.S. Patent and Trademark Office on November 15, 2006 at Reel 018525 / Frame 0094, the real party in interest ("the Assignees") is: (1) First Data Corporation, a corporation organized and existing under the laws of the state of Delaware, and having a place of business at 6200 South Quebec Street, Greenwood Village, Colorado 80111; and (2) The Western Union Company, a corporation organized and existing under the laws of the Delaware, and having a place of business at 12500 East Belford Avenue, Englewood, Colorado 80112.

II. RELATED APPEALS AND INTERFERENCES

There are no pending appeals, interferences, or judicial interferences known to the Appellant (i.e., the Applicant), the Applicant's legal representative, or the Assignees which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

The above-identified patent application was involved in a prior Appeal (Appeal No. 2004-1809). The Board rendered a Decision on Appeal (mailed February 14, 2005) for this prior Appeal. In this Decision, the Board reversed different rejections made by the Examiner. A copy of this Decision is included in the *Related Proceedings Appendix.*

III. STATUS OF CLAIMS

Claims 1-8 and 10-20 (reproduced in the attached *Claims Appendix*) are pending in this application, have been finally rejected in the final Office Action mailed August 2, 2006, and are the subject of this appeal. Claims 9 and 21 have been cancelled. Claims 1 and 11-12 are independent claims.

IV. STATUS OF AMENDMENTS

No amendments were entered or requested after the final Office Action mailed August 2, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

1.   Independent Claim 1

Independent claim 1 recites a method of performing a transaction using a transaction card (see, for example, the Title; page 1, lines 3-5; and page 2, lines 9-12 of the Applicant's specification).

The method includes accessing a web server of a merchant service provider ("MSP") via an Internet service provider using a transaction device (10) during a transaction involving a transaction card. The web server includes commands for processing transaction information associated with the transaction card to obtain authorization from the MSP for the transaction. (See, for example, FIGS. 1 and 2; page 2, lines 16-18; page 3, lines 1-4; page 4, lines 9-11; page 5, lines 3-26; and page 6, lines 11-15 of the specification.)

The method includes entering the transaction card into a card reader (14) of the transaction device (10) in order to enter transaction information associated with the transaction card into the web server during the transaction (see, for example, FIGS. 1 and 2; page 2, lines 18-20; page 6, lines 5-10; and page 6, lines 19-22 of the specification).

The transaction device (10) does not utilize any MSP proprietary software for the transaction information to be processed to obtain authorization from the MSP for the transaction. The transaction device (10) accesses the web server without accessing any MSP proprietary network. (See, for example, page 1, lines 12-25; page 2, lines 12-13; and page 5, lines 20-26 of the specification.)

-4-

2.   Independent Claim 11

Independent claim 11 recites a method of performing a transaction using a transaction card (see, for example, page 1, lines 3-5; page 2, lines 9-12 of the specification).

The method includes, during a transaction involving a transaction card, accessing a web server of a merchant service provider ("MSP") via an Internet service provider using a point of service terminal (10) having a web browser and a card reader (14). The web server includes commands for processing transaction information associated with the transaction card to obtain authorization from the MSP for the transaction. (See, for example, FIGS. 1 and 2; page 2, lines 16-18; page 3, lines 1-4; page 4, lines 9-11; page 5, lines 3-26; and page 6, lines 11-15 of the specification.)

The method includes entering the transaction card into the card reader (14) in order to enter transaction information associated with the transaction card into the web server during the transaction. The transaction information includes an account number associated with the transaction card. (See, for example, FIGS. 1 and 2; page 2, lines 18-20; page 6, lines 5-10; and page 6, lines 19-22 of the specification.)

The method includes responding to prompts generated by the web server using the terminal (10) (see, for example, FIGS. 1 and 2; page 6, lines 19-28 of the specification). The method includes providing an indication of authorization for the transaction from the web server to the terminal (10) upon the web server obtaining authorization for the transaction from the MSP (see, for example, FIGS. 1 and 2; and page 1, lines 1-7 of the specification).

The terminal (10) does not utilize any MSP proprietary software for the transaction information to be processed to obtain transaction authorization from the MSP . The terminal (10) accesses the web server without accessing any MSP proprietary network. (See, for example, page 1, lines 12-25; page 2, lines 12-13; page 5, lines 20-26 of the specification.)

3.   Independent Claim 12

Independent claim 12 recites a point of service terminal (10) for performing a card transaction. (See, for example, page 3, lines 5-6 of the Applicant's specification.)

The terminal (10) includes a central processing unit (12) having a web browser for accessing a merchant service provider ("MSP") web server on the Internet during a transaction involving a transaction card. The web server includes commands for processing transaction information associated with the transaction card to obtain authorization from the MSP for the transaction. (See, for example, FIGS. 1 and 2; page 2, lines 16-18; page 3, lines 1-4; page 4, lines 9-11; page 5, lines 3-26; and page 6, lines 11-15 of the specification.)

The terminal (10) includes a card reader (14) in communication with the central processing unit (12) for receiving the transaction card and entering transaction information associated with the transaction card into the web server during the transaction. (See, for example, FIGS. 1 and 2; page 2, lines 18-20; page 6, lines 5-10; and page 6, lines 19-22 of the specification.)

The terminal (10) does not utilize any MSP proprietary software for the transaction information to be processed to obtain authorization from the MSP for the transaction. The terminal (10) accesses the web server without accessing any MSP proprietary network. (See, for example, page 1, lines 12-25; page 2, lines 12-13; page 5, lines 20-26 of the specification.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 5-8, 10-15, and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,850,442 issued to Muftic ("*Muftic*") in view of page 1 of PR Newswire (*General Instrument's Digital Interactive Cable TV Set-Top Terminals To Become The Latest New Acceptance Device for Smart Cards*) ("*PR Newswire*") further in view of pages 51-53 of Booker (Booker, Ellis. *New System A Welcome Guest at Hyatt. Computerworld.*) ("*Booker*").

Claims 4, 16, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Muftic* in view of *PR Newswire* further in view of *Booker* further in view of U.S. Patent No. 5,987,498 issued to Athing ("*Athing*").

<div align="center">VII.   ARGUMENT</div>

A.   Claims 1-3, 5-8, 10-15, and 17-19 are Patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,850,442 (_Muftic_), _PR Newswire_, and _Booker_

1.   The Independent Claims

Independent claims 1 and 11-12 generally include:

(i) the merchant service provider ("MSP") web server has commands for processing transaction information associated with the transaction card to obtain authorization from the MSP for the transaction;

(ii) the transaction device (terminal) does not use any MSP proprietary software for the transaction information to be processed to obtain authorization from the MSP for the transaction; and

(iii) the transaction device (terminal) accesses the web server without accessing any MSP provider proprietary network.

2.   _Muftic, PR Newswire, and Booker_

The Examiner posited _Muftic_ discloses a method of performing a card transaction using a transaction card, the method comprising: accessing a web server of a MSP provider via an Internet service provider using either a transaction device or POS terminal during a transaction involving a transaction card, wherein the web server includes commands ("programming logic") for processing transaction information ("business information") associated with the card to obtain authorization ("authorization") from the MSP ("server") for the transaction (citing col. 7, lines 14-64; col. 10, lines 27-48; col. 12, line 5 through col. 14, line 62). The Examiner further posited wherein accessing a web server comprises accessing

<div align="center">-8-</div>

a web page ("home page") of the web server, and wherein the web page includes commands for processing the transaction information ("order information") (citing col. 13, lines 28-30).

The Examiner indicated *Muftic* does not teach the underlined limitations:

wherein the transaction device does not utilize any MSP proprietary software for the transaction information to be processed to obtain authorization from the MSP for the transaction; and

wherein the transaction device accesses the web server without accessing any MSP proprietary network.

The Examiner posited use of non-proprietary software to complete card-based transactions is old and well known as evidenced by *PR Newswire*. The Examiner posited *PR Newswire* discloses the development of the Visa Open Platform, "a flexible non-proprietary platform that enables fast and easy development of globally interoperable multiple application smart card systems." The Examiner posited the Visa Open Platform has been accepted to allow transaction devices (GSM mobile phones) to complete transactions (load applications onto smart cards). The Examiner posited it would have been obvious to modify *Muftic* by incorporating non-proprietary software onto the transaction device to complete the transaction, as disclosed by *PR Newswire*, allowing "fast and easy development" of said card-based system, furthering *Muftic's* stated motivation of developing a system for electronic transactions to occur over "an open network" (citing col. 1, lines 19-22).

The Examiner posited use of a non-proprietary network is old and well known as evidenced by *Booker*. The Examiner posited *Booker* discusses the switch from "a proprietary to a nonproprietary wide-area network" that resulted in financial savings "in leasing fees and maintenance" and allowed them "to respond [more] quickly to changes in the marketplace." The Examiner posited it would have been obvious to have modified *Muftic* and *PR Newswire* to incorporate a non-proprietary network and non-proprietary technology, in

general, as disclosed by Booker, to allow the system to capture the benefits of non-proprietary technology.

3.   Comparison of the Independent Claims to the Cited References

With respect to (i) (the MSP web server has commands for processing transaction information associated with the transaction card to obtain authorization from the MSP for the transaction), the Appeal Board previously indicated (in the Decision on Appeal of Appeal No. 2004-1809 mailed February 14, 2005 in which the rejection of previously set forth claims 1-21 under 35 U.S.C. § 103(a) in view of *Muftic* was reversed) that col. 9, lines 15-55 of *Muftic* "does not disclose a web server including commands for processing a transaction" (page 3 of the Decision on Appeal; see also pages 2-4 of the Decision on Appeal). Col. 9, lines 15-55 of *Muftic* discloses a network 100 having clients 120 and electronic commerce servers 110; the servers receive and respond to connections and/or messages from the clients; and the users participating in electronic commerce are logically related in a certification matrix using security servers and, as such, the standard Internet environment is augmented with security features in order to facilitate electronic commercial transactions which are free of the problems of the prior art.

In the final Office Action, the Examiner posited *Muftic* discloses a web server/page having commands ("programming logic") for processing transaction information ("business information"; "order information") associated with the card to obtain authorization ("authorization") from the MSP ("server") for the transaction (citing col. 7, lines 16-64; col. 10, lines 27-48; col. 12, line 5 through col. 14, line 62 including col. 13, lines 28-30 of *Muftic*). Col. 7, lines 16-64 of *Muftic* is generally directed to the same disclosure of col. 9, lines 15-55 of *Muftic*. Particularly, security servers link all registered users in a public key infrastructure and, as such, authenticating parties involves the use of public keys. Further, authentication of parties as to their identity on a given web server is not the same as a web

server processing transaction information associated with the transaction card to obtain authorization from a MSP for the transaction. Col. 10, lines 27-48 of *Muftic* generally describes smart token software is installed on the user's terminal. Col. 12, line 5 through col. 14, line 62 of *Muftic* also generally describes smart token software is installed on the user's system. Col. 13, lines 28-30 of *Muftic* generally describes the user's system logging onto a desired home page server. As such, the portions of *Muftic* cited by the Examiner do not teach or suggest a web server including commands for processing a transaction as claimed.

With respect to (ii) (the transaction device (terminal) does not use any MSP proprietary software for the transaction information to be processed to obtain authorization from the MSP for the transaction), the Examiner posited *PR Newswire* discloses this limitation. *PR Newswire* generally mentions a flexible non-proprietary open platform which enables the fast and easy development of globally interoperable multiple application smart card systems. *PR Newswire* indicates an end goal of the open platform is to let users use their smart cards over digital TV networks. As such, the open platform enables smart card systems to communicate with one another. The open platform is described as being "non-proprietary" and, as such, "software developers can create programs that run on a wide variety of chips and operating systems, enabling banks and financial institutions to develop their own smart cards on which they can run numerous programs, providing their customers with a broad array of value-added functions." Thus, the relevance of *PR Newswire* is disclosure of a non-proprietary open platform for use in smart card systems and that the open platform can somehow be tailored or improved by software developers on behalf of banks and financial institutions. As such, *PR Newswire* does not teach or suggest that a transaction device (terminal) does not use any MSP proprietary software for transaction information to be processed to obtain authorization from a MSP for a transaction.

With respect to iii (the transaction device (terminal) accesses the web server without accessing any MSP provider proprietary network), the Examiner posited *Booker*

discloses this limitation. *Booker* generally describes how the Hyatt Hotel Corp migrated to UNIX by replacing its central IBM mainframe-based reservation system with a relational database management system on multiple UNIX processors in August of 1990. As part of this migration, Hyatt switched from customized software to a commercial relational database management system and moved from "a proprietary to a non-proprietary wide area network" (page 1 of *Booker*). The proprietary wide area network ("WAN") appears to have been the IBM Systems Network Architecture WAN (page 2, line 17 of *Booker*). The non-proprietary network appears to be Hyatt's (i.e., the "company's") TCP/IP network in which one may log on to a Hyatt computer via this network (page 1; page 2, lines 13-15 of *Booker*). As such, the non-proprietary network appears to be proprietary in the sense that it is Hyatt's network and is used by Hyatt phone operators to log onto a Hyatt computer (page 1; page 2, lines 13-15 of *Booker*). In any event, the limitation of "wherein the transaction device accesses the web server without accessing any MSP provider proprietary network" as claimed differs from a Hyatt telephone operator accessing a Hyatt computer over Hyatt's non-proprietary network as described by *Booker*.

In view of the foregoing, independent claims 1 and 11-13 are patentable under 35 U.S.C. § 103(a) over *Muftic* in view of *PR Newswire* in further view of *Booker* as such combination does not teach or suggest, at least, the claimed features (i) and (ii). Claims 2-3, 5-8, 10, 13-15, and 17-19 depend from one of independent claims 1 and 12 and include the limitations of their respective base claim. Accordingly, claims 1-3, 5-8, 10-15, and 17-19 are patentable under 35 U.S.C. § 103(a) over *Muftic* in view of *PR Newswire* in further view of *Booker*.

B.   Claims 4, 16, and 20 are Patentable under 35 U.S.C. § 103(a)
        over U.S. Patent No. 5,850,442 (Muftic), PR Newswire, Booker, and
        U.S. Patent No. 5,987,498 (Athing)

        Claims 4 and 20 depend from independent claim 1 and include the limitations therein.   Claim 16 depends from independent claim 12 and includes the limitations therein. Thus, claims 4, 16, and 20 are patentable under 35 U.S.C. § 103(a) over Muftic in view of PR Newswire further in view of Booker further in view of Athing.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests that the Board rules that claims 1-8 and 10-20 are patentable under 35 U.S.C. § 103(a) over the cited references.

The fee of $500.00 for this Appeal Brief as applicable under the provisions of 37 C.F.R. § 41.20(b)(2) is enclosed. Please charge any additional fee or credit any overpayment in connection with this filing to our Deposit Account No. 02-3978.

Respectfully submitted,

IAN M. DRYSDALE

By: _____
James N. Kallis
Registration No. 41,102
Attorney for Applicant

Date: January 2, 2007

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

Enclosure - Appendices

-14-

VIII. CLAIMS APPENDIX

1.   A method of performing a transaction using a transaction card, the method comprising:

accessing a web server of a merchant service provider via an Internet service provider using a transaction device during a transaction involving a transaction card, wherein the web server includes commands for processing transaction information associated with the transaction card to obtain authorization from the merchant service provider for the transaction; and

entering the transaction card into a card reader of the transaction device in order to enter transaction information associated with the transaction card into the web server during the transaction;

wherein the transaction device does not utilize any merchant service provider proprietary software for the transaction information to be processed to obtain authorization from the merchant service provider for the transaction;

wherein the transaction device accesses the web server without accessing any merchant service provider proprietary network.

2.   The method of claim 1 wherein accessing a web server comprises accessing a web page of the web server, and wherein the web page includes commands for processing the transaction information.

3.   The method of claim 1 further comprising entering additional transaction information into the web server via the transaction device.

4.   The method of claim 3 wherein entering additional transaction information includes entering additional transaction information using a touch-sensitive screen of the transaction device.

Appendix   Page 1

5.   The method of claim 3 wherein entering additional transaction information includes entering additional transaction information using a keypad of the transaction device.

6.   The method of claim 1 further comprising displaying information on a display device of the transaction device.

7.   The method of claim 6 wherein displaying information includes displaying an advertisement downloaded from the Internet.

8.   The method of claim 6 wherein displaying information includes displaying an electronic coupon downloaded from the Internet.

10.   The method of claim 1 further comprising updating the commands of the web server.

11.   A method of performing a transaction using a transaction card, the method comprising:

during a transaction involving a transaction card, accessing a web server of a merchant service provider via an Internet service provider using a point of service terminal having a web browser and a card reader, wherein the web server includes commands for processing transaction information associated with the transaction card to obtain authorization from the merchant service provider for the transaction;

entering the transaction card into the card reader in order to enter transaction information associated with the transaction card into the web server during the transaction, wherein the transaction information includes an account number associated with the transaction card;

responding to prompts generated by the web server using the point of service terminal; and

providing an indication of authorization for the transaction from the web server to the point of service terminal upon the web server obtaining authorization for the transaction from the merchant service provider;

wherein the point of service terminal does not utilize any merchant service provider proprietary software for the transaction information to be processed to obtain authorization from the merchant service provider for the transaction;

wherein the point of service terminal accesses the web server without accessing any merchant service provider proprietary network.

12.   A point of service terminal for performing a card transaction, the terminal comprising:

a central processing unit having a web browser for accessing a merchant service provider web server on the Internet during a transaction involving a transaction card, wherein the web server includes commands for processing transaction information associated with the transaction card to obtain authorization from the merchant service provider for the transaction; and

a card reader in communication with the central processing unit for receiving the transaction card and entering transaction information associated with the transaction card into the web server during the transaction;

wherein the point of service terminal does not utilize any merchant service provider proprietary software for the transaction information to be processed to obtain authorization from the merchant service provider for the transaction;

wherein the point of service terminal accesses the web server without accessing any merchant service provider proprietary network.

13.   The point of service terminal of claim 12 further comprising a data entry device in communication with the central processing unit for entering additional transaction information into the web server.

14.   The point of service terminal of claim 13 wherein the data entry device is a keypad.

15.   The point of service terminal of claim 12 further comprising a display device in communication with the central processing unit for displaying information downloaded from the Internet.

16.   The point of service terminal of claim 15 wherein the display device comprises a touch-sensitive screen.

17.   The method of claim 1 wherein the card transaction involves a smart card, a charge card, a credit card or a debit card.

18.   The method of claim 1 wherein the transaction device comprises a point of service terminal at a merchant or retail location.

19.   The method of claim 1 further comprising transmitting information to and from a merchant service provider via the transaction device and the web server.

20.   The method of claim 4 further comprising providing an electronic signature using a pen and the touch-sensitive screen.

IX. <u>EVIDENCE APPENDIX</u>

NONE.

X. RELATED PROCEEDINGS APPENDIX

A copy of the Decision on Appeal (Appeal No. 2004-1809) mailed February 14, 2005 for the above-identified patent application is attached herewith.

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte IAN M. DRYSDALE

_____

Appeal No. 2004-1809
Application No. 09/466,271

_____ FDC 0135

ON BRIEF

_____

MAILED

FEB 1 4 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before FLEMING, OWENS, and NAPPI, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-21, which

are all of the claims in the application.

THE INVENTION

The appellant claims a method and point of service terminal

for performing a card transaction. Claim 1, which claims the

method, is illustrative:

1.   A method of performing a card transaction, the method
     comprising:

     accessing a web server using a transaction device,
wherein the web server includes commands for processing the
transaction; and

entering a transaction card into a card reader of the transaction device in order to enter transaction information associated with the card into the web server;

wherein the transaction device does not utilize proprietary software of a merchant service provider to complete the transaction.

THE REFERENCES

Muftic	5,850,442	Dec. 15, 1998
Athing et al. (Athing)	5,987,498	Nov. 16, 1999

THE REJECTIONS

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 1-3, 5-15 and 17-19 over Muftic, and claims 4, 16 and 20 over Muftic in view of Athing.[1]

OPINION

We reverse the aforementioned rejections.

The appellant's independent claims require a transaction device having a card reader (claim 1), or a point of service terminal (claims 11 and 12), that does not use proprietary software of a merchant service provider to complete a transaction.

The examiner argues that Muftic discloses "accessing a web server using a transaction device, wherein the web server includes commands for processing the transaction (Col. 9, lines 15-55)" (answer, page 3). The portion of Muftic relied upon in support of

---

[1] A rejection of claim 21 under 35 U.S.C. § 112, first paragraph, is withdrawn in the examiner's answer (page 6).

2

that argument does not disclose a web server including commands for

processing a transaction.

The examiner argues (answer, page 3):

> Muftic clearly discloses that one of the advantages of
> the invention is "to permit world wide electronic
> commercial transactions to be implemented in a highly
> secure manner over an open network." (Col. 5, lines 38-
> 41, emphasis added [sic]. Thus, it would have been
> within the level of ordinary skill in the art to install
> proprietary software to a merchant service provider
> server "to permit world wide electronic commercial
> transactions" by using transaction devices/point of
> service terminals "over an open network". Further, in
> this configuration, the transaction devices/point of
> service terminals would not utilize proprietary software
> of a merchant service provider to complete the
> transaction.

Muftic discloses, immediately before the portion cited by the

examiner, that Muftic "utilizes smart token technologies and a

public key infrastructure" to permit the worldwide electronic

transactions referred to by the examiner. The smart token software

is on the user's system (col. 12, lines 18-20). The examiner has

not pointed out support in Muftic for the examiner's argument that

the cited portion of Muftic would have fairly suggested, to one of

ordinary skill in the art, installing, on a merchant service

provider server, software for completing a transaction. The

relevant issue is not whether doing so would have been "within the

level of ordinary skill in the art" as argued by the examiner but,

rather, is whether the applied prior art itself would have fairly

3

suggested doing so to one of ordinary skill in the art. *See In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976).

The examiner points out that Muftic's smart token technology is used to enhance security over an open network (answer, page 6), but the examiner does not point out any disclosure in Muftic as to the location of the software used to complete a transaction. Nor does the examiner explain how Muftic and Athing would have fairly suggested, to one of ordinary skill in the art, a card-reading transaction device or point of service terminal that does not use proprietary software of a merchant service provider to complete a transaction. Portions of Muftic cited by the examiner pertaining to security do not provide such a disclosure (answer, pages 6-7). The examiner argues that Muftic clearly implies such a card-reading transaction device or point of service terminal (answer, page 7), but the examiner provides no evidence in support of that argument.

For the above reasons we conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the appellant's claimed invention. Therefore, on this record, we are constrained to reverse the examiner's rejections.

DECISION

The rejections under 35 U.S.C. § 103 of claims 1-3, 5-15

and 17-19 over Muftic, and claims 4, 16 and 20 over Muftic in view

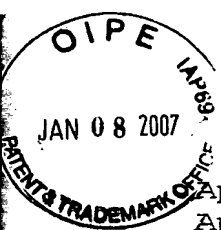of Athing, are reversed.

REVERSED

MICHAEL R. FLEMING   )
Administrative Patent Judge   )
)
)
)
) BOARD OF PATENT
TERRY J. OWENS   )   APPEALS
Administrative Patent Judge   )   AND
) INTERFERENCES
)
)
)
ROBERT NAPPI   )
Administrative Patent Judge   )

TJO/jlb

5

Appeal No. 2004-1809
Application No. 09/466,271

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

6